


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
FEB 06 2007  
  
CLERK

\*\*\*\*\*

ENERCON, INC.,

Plaintiff,

vs.

ELITE ENERGY SYSTEMS, INC.;  
MICHAEL PULCZINSKI; and  
STEVE NELSON,

Defendants.

CIV 06-4051

JUDGMENT OF DISMISSAL

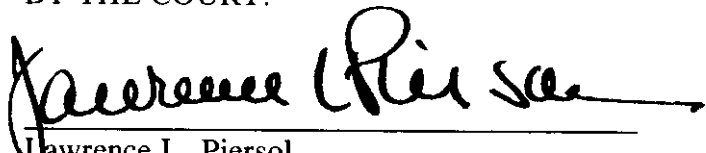
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Based upon the stipulation of counsel, it is hereby,

ORDERED, ADJUDGED AND DECREED that the Complaint of the Plaintiff is hereby dismissed upon the merits, with prejudice, with the sole exception that it is without prejudice to the Plaintiff's right to file in this action a Promissory Note, Verified Statement and Confession of Judgment executed by Defendant Elite Energy Systems, Inc., on January 9, 2007, in connection with the settlement of this action and a related matter in the District of North Dakota, under such circumstances as are recited therein. Each party shall pay their own costs.

Dated this 6<sup>th</sup> day of February, 2007.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: Shirley Margulies  
DEPUTY